UNITED STATES PATENT AND TRADEMARK OFFICE

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ANYA, CHARLES E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3/_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 April 2009_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _35,37-40,42-45,47-50 and 52-64_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _35,37-40,42-45,47-50 and 52-64_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 35, 37-40, 42-45, 47-50 and 52-64 are pending in this application.

Specification

2.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required:

Specifically, the specification does not provide proper antecedent basis for the

claimed "computer usable medium" on line 1 of claim 45.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   **Claims 55-63 are rejected under 35 U.S.C. 101 because the claimed**

invention is directed to non-statutory subject matter.

Claim 55 is directed to a "system". The body/structure of the claim indicates

the "system" include "a call server system", "a web application", "a user interface" and "a

wrapper" all of which are software per se. The claimed system comprising "a call server

system", "a web application", "a user interface" and "a wrapper" is therefore not a

process, a machine, a manufacture or a composition of matter and as such not directed

to statutory subject matter.

Appropriate corrected is required.

4.   Claims 56-63 are rejected for the same reason as claim 55 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 35, 37-40, 42-45, 47-50, 52-55 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,359,892 B1 issued to Szlam in view of U.S. Pat. No. 6,157,705 issued to Perrone.**

6.   As to claim 35, Szlam teaches a method performed by a wrapper for enabling a

web application ("...Java station..." Col. 3 Ln. 60 – 65) to communicate with a call

server system (figure 1), comprising:

the call server system including a private branch exchange (PBX) and a call

server for controlling telephony calls and telephony services (Main Office 13 Col. 49 –

59, Col. 27 Ln. 31 – 32); and

translating web application commands transferred from the web application to the

call server system from a web application format into a call server system format

(Controller 225 Col. 9 Ln. 46 – 60, "…translate…" Col. 12 Ln. 45 – 47), wherein the

translating web application commands further comprises translating a call control

command ("…controller 225…telephony functions, such as conferencing, placing on

hold, transferring, calling, answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to providing a communication channel between the

web application and the call server system.

Perrone teaches providing a communication channel between the web

application (Telephony Application 26) and the call server system ("…voice

communication channel…data communication channel…" Col. 14 Ln. 66 – 67, Col. 15

Ln. 1 – 12, Col. 16 Ln. 6 – 67).

It would have been to one of ordinary skill in the art at the time the invention was

made to modify the system of Szlam with the teaching of Perrone because the teaching

of Perrone would improve the system of Szlam by providing a storage or medium for

conveying information from a sender (transmitter) to a receiver asynchronously without

the use of an external clock signal.

7.   As to claim 37, Szlam teaches the method of claim 36 wherein the translating a

call control command further comprises translating a conference call control command

("…controller 225…telephony functions, such as conferencing, placing on hold,

transferring, calling, answering…" Col. 9 Ln. 41 – 61).

8.   As to claim 38, Szlam teaches the method of claim 35 wherein the translating web application commands further comprises translating a service control command ("...status information....desired format..." Col. 9 Ln. 51 – 55).

9.   As to claim 39, Szlam teaches the method of claim 35 further comprising translating call server commands transferred from the call server system to the web application from the call server system format into the application format ("...status information....desired format..." Col. 9 Ln. 51 – 55).

10.   As to claims 40, Szlam teaches an wrapper apparatus for enabling a web application ("...Java station..." Col. 3 Ln. 60 – 65) to communicate with a call server system (figure 1) comprising:

the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services (Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32); and

means for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format (Controller 225 Col. 9 Ln. 46 – 60, "...translate..." Col. 12 Ln. 45 – 47), wherein the means for translating web application commands further comprises means for translating a call control command ("...controller 225...telephony functions, such as conferencing, placing on hold, transferring, calling, answering..." Col. 9 Ln. 41 – 47).

Szlam is silent with reference to means for providing a communication channel between the web application and the call server system.

Perrone teaches means for providing a communication channel between the web application and the call server system ("...voice communication channel...data communication channel..." Col. 14 Ln. 66 – 67, Col. 15 Ln. 1 – 12, Col. 16 Ln. 6 – 67).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Perrone because the teaching of Perrone would improve the system of Szlam by providing a storage or medium for conveying information from a sender (transmitter) to a receiver asynchronously without the use of an external clock signal.

11.   As to claim 42, Szlam teaches the apparatus of claim 40 wherein the means for translating a call control command further comprises: means for translating a conference call control command ("...controller 225...telephony functions, such as conferencing, placing on hold, transferring, calling, answering..." Col. 9 Ln. 41 – 61).

12.   As to claim 43, Szlam teaches the apparatus of claim 40 wherein the means for translating web application commands data further comprises: means for translating a service control command ("...status information....desired format..." Col. 9 Ln. 51 – 55).

13.   As to claim 44, Szlam teaches the apparatus of claim 40 further comprising: means for translating call server commands transferred from the call server system to

the web application from the call server system format into the web application format

("…status information….desired format…" Col. 9 Ln. 51 – 55).

14.   As to claim 45, Szlam teaches a computer program product comprising a

computer usable medium having computer readable code embodied therein for

enabling a web application ("…Java station…" Col. 3 Ln. 60 – 65) to communicate with

a call server system (figure 1), comprising:

the call server system including a private branch exchange (PBX) and a call

server for controlling telephony calls and telephony services (Main Office 13 Col. 49 –

59, Col. 27 Ln. 31 – 32); and

computer readable code for causing a computer to translate web application

commands transferred from the application to the call server system from a web

application format into a call server system format (Controller 225 Col. 9 Ln. 46 – 60,

"…translate…" Col. 12 Ln. 45 – 47), wherein the computer readable code for causing a

computer to translate application commands further comprises computer readable code

for causing a computer to translate a call control command ("…controller

225…telephony functions, such as conferencing, placing on hold, transferring, calling,

answering…" Col. 9 Ln. 41 – 47).

Szlam is silent with reference to a computer readable code for causing a

computer to provide a communication channel between the web application and the call

server system.

Perrone teaches a computer readable code for causing a computer to provide a communication channel between the web application and the call server system ("...voice communication channel...data communication channel..." Col. 14 Ln. 66 – 67, Col. 15 Ln. 1 – 12, Col. 16 Ln. 6 – 67).

It would have been to one of ordinary skill in the art at the time the invention was made to modify the system of Szlam with the teaching of Perrone because the teaching of Perrone would improve the system of Szlam by providing a storage or medium for conveying information from a sender (transmitter) to a receiver asynchronously without the use of an external clock signal.

15.   As to claim 47, Szlam teaches the computer program product of claim 45 wherein the computer readable code for causing a computer to translate a call control command further comprises: computer readable code for causing a computer to translate a conference call control command ("...controller 225...telephony functions, such as conferencing, placing on hold, transferring, calling, answering..." Col. 9 Ln. 41 – 61).

16.   As to clam 48, Szlam teaches the computer program product of claim 45 wherein the computer readable code for causing a computer to translate web application commands further comprises: computer readable code for causing a computer to translate a service control command ("...status information....desired format..." Col. 9 Ln. 51 – 55).

17.   As to claim 49, Szlam teaches the computer program product of claim 45 further

comprising: computer readable media for causing a computer to translate call server

commands transferred from the call server system to the web application from the call

server system format into the web application format ("...status information....desired

format..." Col. 9 Ln. 51 – 55).

18.   As to claim 50, Szlam teaches a wrapper apparatus for enabling a web

application ("...Java station..." Col. 3 Ln. 60 – 65) to communicate with a call server

system, the wrapper apparatus comprising:

        the call server system including a private branch exchange (PBX) and a call

server for controlling telephony calls and telephony services (Main Office 13 Col. 49 –

59, Col. 27 Ln. 31 – 32); and

        a circuit for translating web application commands transferred from the

application to the call server system from a web application format into a call server

system format (Controller 225 Col. 9 Ln. 46 – 60, "...translate..." Col. 12 Ln. 45 – 47),

wherein the circuit for translating application commands further comprises a circuit for

translating a call control command ("...controller 225...telephony functions, such as

conferencing, placing on hold, transferring, calling, answering..." Col. 9 Ln. 41 – 47).

        Szlam is silent with reference to a digital computer containing a communications

circuit for providing a communication channel between the web application and the call

server system.

Perrone teaches a digital computer containing a communications circuit for

providing a communication channel between the web application and the call server

system ("...voice communication channel...data communication channel..." Col. 14 Ln.

66 – 67, Col. 15 Ln. 1 – 12, Col. 16 Ln. 6 – 67).

It would have been to one of ordinary skill in the art at the time the invention was

made to modify the system of Szlam with the teaching of Perrone because the teaching

of Perrone would improve the system of Szlam by providing a storage or medium for

conveying information from a sender (transmitter) to a receiver asynchronously without

the use of an external clock signal.

19.   As to claim 52, Szlam teaches the apparatus of claim 50 wherein the circuit for

translating a call control command further comprises: a circuit for translating a

conference call control command ("...controller 225...telephony functions, such as

conferencing, placing on hold, transferring, calling, answering..." Col. 9 Ln. 41 – 61).

20.   As to clam 53, Szlam teaches the apparatus of claim 50 wherein the circuit for

translating web application commands further comprises: a circuit for translating a

service control command ("...status information....desired format..." Col. 9 Ln. 51 – 55).

21.   As to claim 54, Szlam teaches the apparatus of claim 50 further comprising a

circuit for translating call server commands transferred from the call server system to

the web application from the call server system format into the web application format

("...status information....desired format..." Col. 9 Ln. 51 – 55).

22.   As to claim 55, Szlam teaches a system for web-based control of call server

functions (figure 1) comprising:

        a call server system, the call server system comprising a private branch

exchange (PBX) and a call server for controlling telephony calls and telephony services

(Main Office 13 Col. 49 – 59, Col. 27 Ln. 31 – 32);

        a web application ("...Java station..." Col. 3 Ln. 60 – 65);

        a user interface for directing the web application (Screen 300 Col. 11 Ln. 19 –

65); and

        a wrapper for translating web application commands transferred from the web

application to the call server system from a web application format into a call server

system format ("...Controller 225... TAPI...TSAPI..." Col. 9 Ln. 46 – 60, "...translate..."

Col. 12 Ln. 45 – 47), wherein the web application commands comprise a call control

command ("...controller 225...telephony functions, such as conferencing, placing on

hold, transferring, calling, answering..." Col. 9 Ln. 41 – 47).

        Szlam is silent with reference to a wrapper for providing a communication

channel between the web application and the call server system.

        Perrone teaches a wrapper for providing a communication channel between the

web application and the call server system

("…voice communication channel…data communication channel…" Col. 14 Ln.

66 – 67, Col. 15 Ln. 1 – 12, Col. 16 Ln. 6 – 67).

It would have been to one of ordinary skill in the art at the time the invention was

made to modify the system of Szlam with the teaching of Perrone because the teaching

of Perrone would improve the system of Szlam by providing a storage or medium for

conveying information from a sender (transmitter) to a receiver asynchronously without

the use of an external clock signal.

23.   As to claim 60, Szlam teaches the system of claim 55 wherein the call server

system further comprises: the wrapper ("…Controller 225… TAPI…TSAPI…" Col. 9 Ln.

46 – 60, "…translate…" Col. 12 Ln. 45 – 47).

24.   As to claim 61, Szlam teaches the system of claim 55 wherein the call server

system further comprises: a computer telephony interface for communicating with the

call server ("…TAPI…TSAPI…" Col. 9 Ln. 55 – 60).

25.   As to claim 62, Szlam teaches the system of claim 55 wherein the call server

system further comprises: a computer telephony interface server comprising a computer

telephony interface ("…TAPI…TSAPI…" Col. 9 Ln. 55 – 60).

26.   As to claim 63, Szlam teaches the system of claim 62 wherein the computer

telephony interface server comprises: the wrapper ("…TAPI…TSAPI…" Col. 9 Ln. 55 –

60).

27.   As to claim 64, Szlam teaches the method of claim 35 wherein the call control

command comprises a combination of call control command primitives ("…telephony

functions, such as conferencing, placing on hold, transferring, calling, answering…" Col.

9 Ln. 41 – 47).

28.   Claims 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Pat. No. 6,359,892 B1 issued to Szlam in view of U.S. Pat. No. 6,157,705

issued to Perrone as applied to 55 above, and further in view of U.S. No. 6,385,191

B1 issued to Coffman et al.

29.   As to claim 56, Perrone and Szlam are silent with reference to the system of

claim 55 further comprising: a web server for providing the web application to the user

interface.

Coffman teaches the system of claim 55 further comprising: a web server for

providing the web application to the user interface (Step 204 Col. 3 Ln. 31 – 49).

It would have been to one of ordinary skill in the art at the time the invention was

made to modify the system of Perrone and Szlam with the teaching of Coffman because

the teaching of Perrone would improve the system of Perrone and Szlam by providing

server computers on the internet that host websites and serves web pages to viewers

upon request.

30.   As to claim 57, Coffman teaches the system of claim 56 wherein the web

application comprises: an interactive web page from the web server (Applet 117 Col. 3

Ln. 31 – 65).

31.   As to clam 58, Coffman teaches the system of claim 56 wherein the web server

comprises: the wrapper (Web Server 103/Gateway 104 "…translated…" Col. 4 Ln. 13 –

30).

32.   As to claim 59, Coffman teaches the system of claim 55 wherein the user

interface comprises: a personal computer with a web browser (Client 100 Col. 2 Ln. 59

– 64).

Response to Arguments

Applicant's arguments with respect to claims 35, 37-40, 42-45, 47-50 and 52-64

have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES E. ANYA whose telephone number is (571)272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles E Anya/
Examiner, Art Unit 2194